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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,441	06/21/2001	Jesus Matey	01471	5761

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TULSA, OK 74119

EXAMINER

HOSSAIN, FARZANA E

ART UNIT PAPER NUMBER

2623

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/886,441	Applicant(s) MATEY, JESUS	
	Examiner Farzana E. Hossain	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-14 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6-29-06 has been entered.

Response to Amendment

2. This action is responsive to communications filed on 6/29/06. Claims 1, 13, and 14 are amended. Claims 5, 7 have been amended for minor changes. Claims 2-4, 6, 8, 9, 11-12 have been previously presented. Claim 10 is cancelled.

Response to Arguments

3. Applicant's arguments with respect to claims 1-9, 11-12 have been considered but are moot in view of the new ground(s) of rejection.

4. Referring to Claim 14, Applicant's arguments filed 4/11/06 have been fully considered but they are not persuasive. The applicant argues that the combining of two tuners to provide a single customized merged video and audio output is not taught in

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Harper. The examiner would like to point that Harper discloses two tuners (Figure 7, Figure 8) and two tuners and that the second tuner receives audio (Column 7, lines 58-67, Figure 7, Column 14, lines 39-67). See rejection below.

5. Referring to Claim 14, Applicant's arguments filed 4/11/06 have been fully considered but they are not persuasive. In response to the arguments on page 9, Applicant argues that the electronic program guide in Hendricks does not allow the merging of two data transmissions to provide a customized merged data output. The amended claim is still broad as a customized output is an output in which the user selects the two data transmissions to view on the screen versus only one program shown on the television. The applicant is arguing that the merged output of the specification does not read on the Hendricks patent, however these details are not disclosed in the claim. Hendricks discloses that there are two tuners, which allows the user to choose two signals or two programs to output on the screen or to combine two signals to output on the screen at the same time in order to provide a customized merged data output (Column 32, lines 7-17) as the viewer can view two separate transmissions on the screen at the same time or the merging of two video signals for viewing. See rejection of the claim below.

Drawings

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the electronic program

guide which provides selection means for program and services and selective options for combining data transmissions of elementary streams including audio, video, teletext (Claim 1, Claim 13, Claim 14) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

7. Claim 5 is objected to because of the following informalities: The correct spelling of "overlayed" is --overlaid--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-6, 9, 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Watts et al (US 6,324,694 and hereafter referred to as "Watts").

Regarding Claims 1, 13, 14, Watts discloses a broadcast data receiver (Figure 1), the broadcaster data receiver comprising: at least two tuners (Figure 1, 105, 135), each of the tuners controllable to receive a user selectable data transmission independent of the other (Column 2, lines 63-67, Column 3, lines 1-16, 67, Column 4, lines 1, 34-42) and wherein the broadcast data receiver is arranged to generate an electronic program guide (EPG) including text and other display material which is generated on a display screen (Column 6, lines 6-35) and which can act both as information for programs and services available to the user and selection means for those programs and services (Column 6, lines 6-35), the EPG indicating to the user selectable options available for the particular program and/or on a particular channel

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(Column 6, lines 6-35) such that the user can select to combine the data transmission from the first tuner with the data transmission from the at least second tuner using the EPG (Column 8, lines 18-30, Column 3, lines 56, 67, Column 4, line 1-3, 16-22), wherein the broadcast data receiver is arranged to replace at least one elementary stream of the first transmission with at least one elementary stream of the second transmission so as to provide a single customized merged data output comprising elementary streams from each of the data transmissions (Column 8, lines 18-30, Column 3, lines 56, 67, Column 4, line 1-3, 16-22). Regarding Claim 13, the user can select to combine the audio or video (Column 3, lines 56, 67, Column 4, line 1-3, 16-22) from a first channel of first tuner (figure 1, 105) with audio or video (Column 3, lines 56, 67, Column 4, line 1-3, 16-22) from a second channel to provide a single customized merged video and audio output (Column 3, lines 56-67, Column 4, lines 1-3, 16-22).

Regarding Claim 2, Watts discloses all the limitations of Claim 1. Watts discloses that the data transmissions selected are from a variety of providers or from at least two different data providers (Column 2, lines 63-67, Column 3, lines 1-16, 67, Column 4, lines 1, 34-42).

Regarding Claim 3, Watts discloses all the limitations of Claim 2. Watts discloses that selected data transmissions relate to the same event (Column 3, lines 48-52).

Regarding Claim 4, Watts discloses all the limitations of Claim 1. Watts discloses that data transmissions has data for an audio signal or data transmission with data relating to an audio channel (Column 3, lines 3-5, Column 6, lines 14-15, Column 2,

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lines 63-67, Column 3, lines 1-16, 67, Column 4, lines 34-42) and the at least other data transmission is data relating to video channel (Column 3, lines 3-5, Column 6, lines 14-15, Column 2, lines 63-67, Column 3, lines 1-16, 67, Column 4, lines 1, 34-42)

Regarding Claim 5, Watts discloses all the limitations of Claim 4. Watts discloses that first tuner which tunes to a channel with a video and audio signal (Column 2, lines 63-67, Column 3, lines 1-16, 67, Column 4, lines 1, 34-42) and the second tuner tunes to a channel, which can only have an audio signal or audio programming (Column 3, lines 3-5, Column 6, lines 14-15, Column 2, lines 63-67, Column 3, lines 1-16, 67, Column 4, lines 1, 34-42) and which the audio output can be overlaid to replace the audio output of the first channel such that a viewer can watch the video output from the first channel in combination with the audio output from the second channel (Column 8, lines 18-30, Column 4, lines 16-22).

Regarding Claim 6, Watts discloses all the limitations of Claim 1. Watts discloses that the viewer can select the two data transmissions to be merged at the time of selection or the user selects to have subsidiary data enabled to produce a merged output (Column 3, lines 56, 67, Column 4, line 1-3, 16-22).

Regarding Claim 9, Watts discloses the limitations of Claim 1. Watts discloses that one of the tuners can be selected to receive a data transmission in the form of an Internet signal (Column 2, lines 63-67, Column 3, lines 1-16, Column 4, lines 34-42); and the data received via the internet signal can be combined with the data transmission from the other tuner (Column 3, lines 56, 67, Column 4, line 1-3, 16-22).

Regarding Claim 12, Watts discloses all the limitations of Claim 1. Watts discloses that the audio video receiver decoder is shared in both tuners (Figure 1, 115) and the user can selectively choose elementary streams of the data transmission consisting of audio, video and teletext (Column 2, lines 63-67, Column 3, lines 1-16, Column 4, lines 23-42, Column 6, lines 23-26).

10. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Harper et al (US 5,585,858 and hereafter referred as "Harper").

Regarding Claim 13, Harper discloses an interactive program box or broadcast data receiver (Figure 1, 600, Figure 8, 600 and Column 6, lines 40-45). Harper discloses an embodiment of the interactive program box has two tuners (Figure 7, 8, 600, 615, 616 and Column 14, lines 39-44) in order to allow the user to select to data from separate channels that are independent of the other to create an interactive program or to combine the two different transmissions (Column 4, lines 16-20). The user can select to combine video of the first channel from the first tuner with audio of the second channel as described in the example of a sporting event to provide a single customized merged video and audio output (Column 7, lines 58-67). Harper discloses that during a live sports event broadcasting video and audio (network announcer) and can have the audio replaced with a different announcer or audio output so that the viewer can watch the video output of the first channel with the audio output of the second channel as indicated to the viewer as an option during trigger points (Column 7, lines 58-67).

11. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Hendricks et al (US 5,990,927 and hereafter referred to as "Hendricks").

Regarding Claim 14, Hendricks discloses a menu or electronic program guide (EPG), which is generated from received program signals (Column 10, lines 48-64), the program signals are transmitted to the set top terminal (STT) or broadcast data receiver (Column 5, lines 60-67 and Column 6, lines 1-10). Hendricks discloses that the menu contains text and display material (Figures 15, 16a, 22) and the text shows information for programs (Figure 15) or interactive services (Figure 18). Hendricks discloses that the subscriber or user can select programming via the remote control device (Column 11, lines 64-67 and Column 12, lines 1-12). Hendricks discloses a STT that has two tuners which allow the merging of two television programs or merging of data transmission relating to different channels or user selections to provide a customized data output (Column 32, lines 7-17).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watts in view of Norsworthy et al (US 6,784,945 and hereafter referred to as "Norsworthy").

Regarding Claim 7, Watts discloses all the limitations of Claim 1. Watts is silent on the interactive program, the merged output of two data transmissions, is transmitted to a storage medium. Norsworthy discloses that the two transmissions (Figure 3, 11, 31) are merged and transmitted to a memory (Figure 3, 14), which is in the receiver (Figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Watts to store the merged output of two data transmissions to the memory of the receiver (Figure 3, 11, 31, 14) as taught by Norsworthy in order to store images as desired (Column 3, lines 37-38) as disclosed by Norsworthy and to provide faster presentation of the picture in picture (PIP) images or a merged output (Column 1, lines 42-49) as disclosed by Norsworthy.

Regarding Claim 8, Watts and Norsworthy disclose the limitations of Claim 7. Norsworthy discloses that the memory is a hard disk of the receiver (Figure 3, 14).

14. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watts in view of Matthews, III et al (US 2004/0139465 and hereafter referred to as "Matthews").

Regarding Claim 11, Watts discloses the limitations of Claim 1. Watts discloses one of the data transmissions includes additional information such as description/synopsis or reference information or HTML documents (Column 4, lines 23-33, Column 6, lines 23-26). Watts is silent on that one of these transmissions is a

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default teletext service relating to particular channel and the other is a different channel, such that the default teletext service can be merged with a different channel regardless of an existing teletext service. Matthews discloses an interactive entertainment system (Figure 1 and Figure 3), which has supplemental content that is related to the program (Figure 2) via two separate tuners (Figure 4, 98, 100) and sources (Figure 3, 84, 22). Matthews discloses that the EPG includes other descriptive information including closed captioning (Page 3, paragraph 0047) or supplemental content can be interactive games or trivia on the programs, advertisements or Web pages (Page 4, paragraph 0054), that has a teletext service, and that the complementary content be displayed in addition to the currently viewed program or that the teletext service has merged with the different channel regardless of the teletext service from the channel of the currently viewed program (Page 4, paragraph 0055). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Watts to include that one of the data transmissions includes a default teletext service (Page 3, paragraph 0047), and the other transmission with complementary content, related to a different channel, be displayed in addition to the currently viewed program or that the teletext service has merged with the different channel regardless of the teletext service from the channel of the currently viewed program (Page 4, paragraphs 0054-0055) as taught by Matthews in order to allow viewers to control what programs are shown (Page 1, paragraph 0007) and at their convenience by integrating supplemental related content of a program to the conventional TV such as teletext or additional information (Page 2, paragraphs 0030-0031, Page 3, paragraph 0047) as disclosed by Matthews.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goldschmidt IKI et al (US 6,594,825 and hereafter referred to as "Iki") and Vancelette (US 5,894,320).

Iki disclose two tuners (Figure 1, 110, Figure 1, 128) and receiving at least two different versions of the program due to different elementary streams such as better video quality, different language, better audio quality (Column 2, lines 65-67, Column 3, lines 1, 5-19) and allowing a user via a program guide to select the different version in place of the first version (Figure 3).

Vancelette discloses receiving multiple data transmissions and allowing a user to select a different elementary stream such as video and audio for a customized merged output (Figure 7).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

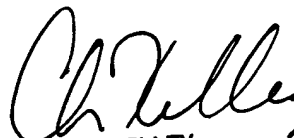
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH

August 11, 2006


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